

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
3 AT TACOMA

4 GARY CASTERLOW-BEY,

5 Plaintiff,

6 v.

7 DAVID A. ZEECK, et al.,

8 Defendants.

CASE NO. C17-5948 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

9 This matter comes before the Court on the Report and Recommendation ("R&R")  
10 of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 8. The Court  
11 having considered the R&R and the remaining record, and no objections having been  
12 filed, does hereby find and order as follows:

13 (1) The R&R is **ADOPTED**;

14 (2) Plaintiff's action is hereby **DISMISSED without prejudice** for failure to  
15 state a claim upon which relief may be granted under 42 U.S.C. § 1983 and Plaintiff's  
16 motion to proceed *in forma pauperis* is **DENIED**.

17 Dated this 10th day of April, 2018.

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20 BENJAMIN H. SETTLE  
21 United States District Judge  
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